

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen Gyor AICP, Case Manager
Joel Lawson, Associate Director Development Review

DATE: February 18, 2014

SUBJECT: BZA Case 18712, 821 I Street NE – request for variances for a rear addition to an existing four (4) unit apartment house in the R-4 District

I. OFFICE OF PLANNING RECOMMENDATION

Although the Office of Planning (OP) supports the efforts of the Applicant to renovate this property and make it more conforming for use (converting the structure from a four unit apartment to a flat), the Applicant has not demonstrated a sound rationale for the relief requested, thus OP **cannot support** the following area variances:

- § 401.3 Lot Area (1,800 sf. required; 1,763 sf. existing; 1,763 sf. proposed);
- § 403.2 Lot Occupancy (73% existing; 60% max. permitted; 80% proposed);
- § 404.1 Rear Yard (>20 ft. existing; 20 ft. required; 17.67 ft. proposed);
- § 406.1 Open Court (10 ft. required; .835 ft. proposed); and
- § 2001.3 Nonconforming Structure

II. LOCATION AND SITE DESCRIPTION

Address	821 I Street, NE
Legal Description	Square 911, Lot 38
Ward	6
Lot Characteristics	The rectangular shaped lot is situated on I Street between 8 th and 9 th Streets NE and is developed with a 2-story brick dwelling. The lot measures 19 feet in width and 93 feet in length and abuts a 10-foot wide alley in the rear.
Zoning	R-4 – Permits matter-of-right development of single-family residential uses (including detached, semi-detached, row dwellings, and flats).
Existing Development	4 unit apartment dwelling. The Applicant is renovating the Property and converting it into a flat. The Subject Property is a legally existing nonconforming lot that predates the adoption of the Zoning Regulations in 1958.
Historic District	NA

Adjacent Properties	The property is surrounded by row dwellings.
Surrounding Neighborhood Character	The neighborhood is characterized by row dwellings.

III. APPLICATION IN BRIEF

Proposal:	<p>The Applicant proposes to construct a new 120 sf. (8' X 15') elevated rear deck (the "Project").</p> <p>Row dwellings and rear decks are permitted in the R-4 district, but are limited to 60% lot occupancy by right and 70% lot occupancy by special exception. The application proposes to cover 80% of the lot and therefore requires lot occupancy relief. Additionally, a minimum 20' rear yard is required, but the proposal would provide only 17' and therefore requires relief.</p> <p>Since the existing building already is non-conforming to lot occupancy standards, relief from § 2001.3 is also required.</p>
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IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R-4 Zone	Regulation	Existing	Proposed	Relief
Lot Width § 401	18 sf. min.	19 sf.	19 sf.	None required
Lot Area § 401	1,800 sf.	1,763 sf.	1,763 sf.	Relief required
Floor Area Ratio § 402	NA	NA	NA	None required
Lot Occupancy § 403	60% max.	73%	80%	Relief required
Rear Yard § 404	20 ft. min.	> 20 ft.	17.67 ft.	Relief required
Side Yard § 405	NA	NA	NA	None required
Court § 406	10 ft. min.	NA	.835 ft.	Relief required
Nonconforming Structure § 2001.3	NA	NA	NA	Relief required



Subject Property

V. OFFICE OF PLANNING ANALYSIS

- a. Variance Relief from § 401.3 (Lot Area); 403.2 (Lot Occupancy); § 404.1 (Rear Yard); § 404.1 (Rear Yard); § 406.1 (Open Court); and § 2001.3 (Nonconforming Structures)**
 - i. Exceptional Situation Resulting in a Practical Difficulty**

OP does not find a specific uniqueness that imposes a practical difficulty for the Applicant. The Subject Property is 1,763 sf. in total area and has no significant grade changes. Other lots in the immediate vicinity are similar to the Subject Property in size.

The lot is adjacent to an alley on two sides, but this is not a particularly unique condition.

The Subject Property pre-dates the 1958 Zoning Regulations and is already developed with a structure that covers more than the permitted amount of the lot. The square contains other lots, including the abutting dwelling at 819 I Street NE, that appear to be improved with lot occupancies in excess of the maximum permitted 60 percent. OP was unable to locate any recent record of variance approvals for lot coverage on this square.

The Property features do not create a practical difficulty to the owner as it relates to an 8' X 15' wide elevated deck. The Applicant has not shown how a patio, which could be installed without any zoning relief, or a smaller landing which could be approved by the Zoning Administrator, could not be placed within the rear yard.

ii. No Substantial Detriment to the Public Good

OP does not anticipate any detriment to the public good. Other decks presently exist in the subject square. Visibility at the ground level would be preserved. The Applicant has indicated that the deck would allow for increased monitoring of the alley adjacent to the Subject Property. According to the Applicant, the immediate neighbors have no objection to the proposed relief.

iii. No Substantial Harm to the Zoning Regulations

Granting variance relief would impair the intent and integrity of the zone plan as no uniqueness of property exist which immediately relates to a practical difficulty for the Applicant. No nexus has been established between the requested lot occupancy increase or rear yard relief and the practical difficulty in making reasonable use of the rear yard for private purposes. The proposed Project would result in a level of development not anticipated in this zone, and not permitted by special exception or under section 2001.3.

VI. COMMUNITY COMMENTS

As of this writing, OP has not received comments from the neighbors or ANC. The Applicant has indicated that the immediate neighbors are supportive of the Application.

VI. CONCLUSION

The lot permits an appropriately and reasonably sized dwelling such as currently exists on the site. The lot occupancy and rear yard regulations are specifically intended to limit the amount of construction on all lots. The proposal, while providing an additional amenity to the residence, would impair the intent of the zone regulations by introducing an excessive amount of development intensity for the zone. Therefore, OP cannot support this application for relief.